IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

THURSDAY, THE 23RD AUGUST 2007 / 1ST BHADRA 1929

WP(C).No. 16718 of 2007(M)

PETITIONER:

PEDEYANGOD KINHIPPALLY COMMITTE
PEDEYANGOD, P.O.IRIKKUR, KANNUR
REP. BY ITS PRESIDENT, M.P.KUNHIMOOSAN,
S/O MUHAMED, AGED 68, PADIYOOR AMSOM,
PERUVANA DESOM, P.O.IRIKKUR, TALIPARAMBA TALUK,
KANNUR DISTRICT.

BY ADV. SRI.S.MAMMU
SRI.DILEEP.P.PILLAI

RESPONDENTS:

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1. STATE OF KERALA, REPRESENTED BY
SECRETARY, REVENUE DEPARTMENT, SECRETARIATE,
THIRUVANANTHAPURAM.

2. VILLAGE OFFICER,
PADIYOOR VILLAGE, KANNUR DISTRICT.

3. THAHSILDAR,
TALIPARAMBA TALUK, KANNUR DISTRICT.

4. DISTRICT COLLECTOR,
CIVIL STATION, KANNUR DISTRICT.

5. SPECIAL GRADE SECRETARY,
PADIYOOR GRAMA PANCHAYAT,
P.O.PADIYOOR, KANNUR DISTRICT.

BY ADV. SRI.P.C.SASIDHARAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 23/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1	TRUE COPY OF THE SETTLEMENT DEED NO.2086/02 SRO IRIKKUR.
EXT.P2	TRUE COPY OF THE BASIC TAX RECEIPT ISSUED BY THE 2ND RESPONDENT DTD.3.5.2007.
EXT.P3	TRUE COPY OF THE BUILDING TAX RECEIPT DTD.28.4.2007 ISSUED FROM THE 5TH RESPONDENT.
EXT.P4	TRUE COPY OF THE LETTER NO.03/P.S 04/07 DTD.15.1.2007.
EXT.P5	TRUEA COPY OF THE LETTER NO.L DIS.L2-4130/07 DTD.7.2.2007.
EXT.P6	TRUE PHOTOSTAT COPY OF THE APPLICATION FOR LEASE DTD.1.3.2007.
EXT.P7	A PHOTOSTAT COPY OF THE NOTICE DTD.24.5.2007.
EXT.P8	TRUE COPY OF THE REPN.DTD.25.5.2007.
EXT.P9	TRUE COPY OF THE NOTICE DTD.28.5.2007.
EXT.P10	TRUE COPY OF THE REPN.TO THE 5TH RESPONDENT DTD. 30.5.2007.

TRUE COPY

P.A.TO JUDGE

css/

S. SIRI JAGAN, J.

WP(C) NO.16718 OF 2007 - M

Dated this the 23rd day of August, 2007

J U D G M E N T

The petitioner, Pedeyangod Kinhippally Committee challenges Exts.P7 and P9 notices issued to it directing to vacate the properties mentioned therein within three days. The contention of the petitioner is that the land mentioned therein is not Government land at all and further Exts.P7 and P9 have been issued in violation of principles of natural justice and the provisions of the Kerala Land Conservancy Act.

2. I have heard the learned Government Pleader also. The learned Government Pleader could not satisfy me that Exts.P7 and P9 were preceded by a notice or a hearing. Exts.P7 and P9 also do not contain any reasons as to why the emergency provisions as provided under the Kerala Land Conservancy Act should be invoked.

3. In the above circumstances, I am satisfied that Exts.P7 and P9 are liable to be quashed because of

violation of principles of natural justice and provisions of the Kerala Land Conservancy Act. However, if Exts.P7 and P9 are treated as show cause notices, the same need not be quashed. It is seen that Ext.P9 notice is issued by the Village Officer. I make it clear that the Tahsildar competent shall deal with the matter. In the above circumstances, the writ petition is disposed of with the following directions:-

The Tahsildar competent shall treat Ext.P9 as a show cause notice. The petitioner shall file its objections to the same within two weeks from today. Thereafter, the Tahsildar competent shall afford an opportunity of being heard to the petitioner which shall include opportunity to adduce evidence also. The Tahsildar competent shall, after considering the objections and evidences, pass a speaking order dealing with the contentions of the petitioner. Till after two

weeks of communication of that order to the petitioner, the petitioner shall not be evicted from the property in question.

S. SIRI JAGAN,
Judge

Mbs/

S.SIRI JAGAN, J

W.P.(C) NO. OF 2001

J U D G M E N T

DATED:01-06-2007